

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL THREET,

No. 14-13345

v.

District Judge Bernard A. Friedman
Magistrate Judge R. Steven Whalen

D. PHILLIPS, ET AL.,

Defendants.

ORDER DENYING MOTION FOR COUNSEL

Plaintiff, a *pro se* litigant in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Docket #29].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. My recommendation to deny Defendants’ motion to dismiss on the basis of exhaustion is still pending. Moreover, the Court has not yet issued scheduling deadlines for additional dispositive motions. At this stage of the proceedings, Plaintiff’s request for

counsel is premature.

Accordingly, Plaintiffs' Motion to Appoint Counsel [Docket #29] is DENIED
WITHOUT PREJUDICE.

IT IS SO ORDERED.

s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: April 28, 2015

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on April 28, 2015, electronically and/or by U.S. mail.

s/Carolyn M. Ciesla

Case Manager